

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Rajindra Aneja

Serial No.: 08/872,222

Filed: June 10, 1997

For: MOLECULAR PROBES AND  
MODULATORS FOR PI-PLC AND PI  
3-KINASE

Group Art Unit: 1613

Examiner: Ambrose, M.

Atty. Dkt. No.: NUBI:004/FUS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR §§ 1.9(F) AND 1.27(C)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: NUTRIMED BIOTECH  
ADDRESS OF SMALL BUSINESS CONCERN: Cornell University Res. Park  
270-276 Brown Road

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above.

0982860 040396 96E92860

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27)

FULL NAME: N/A

ADDRESS: \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature: \_\_\_\_\_

*Rajindra Aneja*

DATE: August 25, 1998

Name: Rajindra Aneja

Title: DIRECTOR

# DECLARATION FOR PATENT APPLICATION

Docket Number (Optional)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

COPIE JC86  
APR 03 2001  
PATENT & TRADEMARK OFFICE

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Molecular Probes and Modulators for PI-PLC and PI 3-kinase the specification of which

is attached hereto unless the following box is checked:

☐ was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

(Number)	(Country)	(Day/Month/Year Filed)	Priority Claimed <input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
_____	_____	_____
_____	_____	_____

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

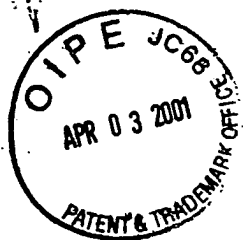
Address all telephone calls to \_\_\_\_\_ at telephone number \_\_\_\_\_  
Address all correspondence to \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Rajindra Aneja  
Inventor's signature Rajindra Aneja Date 06.10.97  
Residence Ithaca, NY 14850 Citizenship U.S.A.  
Post Office Address Nutrimed Biotech, Cornell Univ. Res. Park  
270-276 Langmuir Laboratory, 95 Brown Rd. Ithaca, NY 14850

Full name of second joint inventor, if any (given name, family name) \_\_\_\_\_  
Second Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
Post Office Address \_\_\_\_\_

☐ Additional inventors are being named on separately numbered sheets attached hereto.



PATENT  
NUBI:004

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **MOLECULAR PROBES AND MODULATORS FOR PI-PLC and PI 3-KINASE**, the Specification of which:

- ☐ is attached hereto.  
☒ was filed on June 10, 1997 as Application Serial No. 08/872,222.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

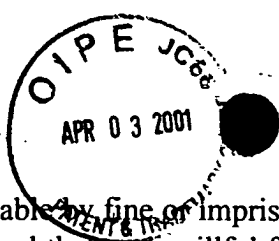
I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

60/019,651	June 11, 1996	Pending
(Application Serial No.)	(Filing Date)	(Status)
<hr/>		
(Application Serial No.)	(Filing Date)	(Status)

I hereby direct that all correspondence and telephone calls be addressed to Shelley P.M. Fussey, Arnold, White & Durkee, P.O. Box 4433, Houston, Texas 77210, (512) 418-3000.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are



punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Rajindra	Aneja
Inventor's Signature:	<i>Rajindra Aneja</i>	
Country of Citizenship:	U.S.A.	Date: August 25, 1998
Residence Address: (street, number, city, state, and/or country)	322 Sunnyview Lane Ithaca, NY 14850	
Post Office Address: (if different from above)		

09826396-040304

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APR 03 2001  
PATENT & TRADEMARK OFFICE

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(n) & 1.27) - SMALL BUSINESS CONCERN

Docket Number (Optional)

Applicant or Patentee: Rajindra Aneja

Serial or Patent No.: \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

Title: Molecular Probes and Modulators for PI-PLC and PI 3-kinase

I hereby declare that I am

- ☒ the owner of the small business concern identified below;  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL-BUSINESS CONCERN Nutrimer Biotech, Cornell Univ. Res. Park

ADDRESS OF SMALL BUSINESS CONCERN 270-276 Langmuir Laboratory  
95 Brown Rd, Ithaca, NY 14850

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d). For purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Rajindra Aneja

TITLE OF PERSON IF OTHER THAN OWNER \_\_\_\_\_

ADDRESS OF PERSON SIGNING Nutrimer Biotech, Cornell Univ. Res. Park

270-276 Langmuir Laboratory, 95 Brown Rd, Ithaca

SIGNATURE Rajindra Aneja DATE 06.10.97 NY 14850

ASSIGNMENT OF THE INVENTION

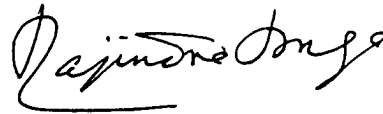
Commissioner of Patents and Trademarks  
U.S. Department of Commerce  
Washington D.C. 20231

Dear Sir/Madam:

RE: Patent Application entitled, "Probes and Modulators for PI-PLC and PI 3-kinase"

As the original, first and sole inventor of the above titled invention for which a patent is sought, I hereby nominate Nutrimed Biotech as the assignee.

Respectfully submitted,



Rajindra Aneja

Dated: 06.10.97

09826396-040301

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to NUTRIMED BIOTECH (the "Assignee"), having a place of business at Cornell University Research Park, 270-276 Langmuir Laboratory, Ithaca, New York 14850, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 08/872,222 which has been filed on June 10, 1997 and is entitled **"MOLECULAR PROBES AND MODULATORS FOR PI-PLC AND PI 3-KINASE"**, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

09825356-040301



TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: Rajindra Aneja  
Name: Rajindra Aneja

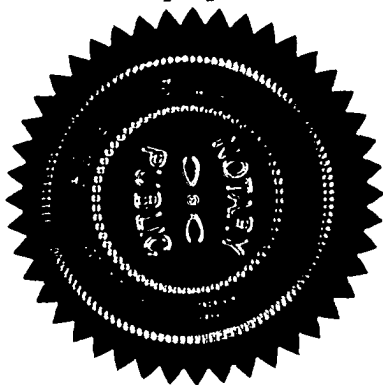
Date: Aug 25, 1998

STATE OF NEW YORK )  
COUNTY OF Tompkins ) ss.

BEFORE ME, the undersigned authority, on this 25th day of August, 1998, personally appeared Rajindra Aneja, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Maureen A. Anguish  
Notary or Consular Officer

MAUREENA. ANGUISH  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01AN5070593  
QUALIFIED IN TOMPKINS COUNTY  
COMMISSION EXPIRES DECEMBER 23, 1998



ARNOLD, WHITE & DURKEE

P. O. Box 4433  
Houston, Texas 77210

2001 Jefferson Davis Hwy., Ste. 401  
Arlington, Virginia 22202

09826396-040301



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Rajindra Aneja

Serial No.: 08/872,222

Filed: June 10, 1997

For: MOLECULAR PROBES AND  
MODULATORS FOR PI-PLC AND PI  
3-KINASE

Group Art Unit: 1613

Examiner: Ambrose, M.

Atty. Dkt. No.: NUBI:004/FUS

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73  
AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

J. Paul Williamson, Reg. No. 29,600; Shelley P.M. Fussey, Reg. No. 39,458;  
David W. Hibler, Reg. No. 41,071; Steven L. Highlander, Reg. No. 37,642; David  
L. Parker, Reg. No. 32,165; Gary J. Sertich, Reg. No. 34,430; Mark B. Wilson,  
Reg. No. 37,259; and Richard A. Nakashima, Reg. No. 42,023;

each an attorney or agent of the firm of ARNOLD, WHITE & DURKEE, as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to NUTRIMED BIOTECH, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Shelley P.M. Fussey  
ARNOLD, WHITE & DURKEE  
P.O. Box 4433  
Houston, Texas 77210-4433  
(512) 418-3000

ASSIGNEE:  
NUTRIMED BIOTECH

By: *Rajindra Aneja*  
Name: Rajindra Aneja  
Title: DIRECTOR  
Date: August 25, 1998.

ASSIGNMENT:

- ☒ Concurrently filed  
☐ Previously recorded

Date: \_\_\_\_\_  
Reel: \_\_\_\_\_  
Frames: \_\_\_\_\_

FOE040-96E92850